

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----x Returnable Feb. 8, 2010
In re tmm1634 Chapter 13

LIHUA AND MANUEL AREBALO 09-74046-reg

Debtor.

**AFFIDAVIT IN
OPPOSITION**

-----x
STATE OF NEW YORK)
COUNTY OF SUFFOLK)ss:-

MICHAEL J. MACCO, being duly sworn, deposes and says:

1. I am the Standing Chapter 13 Trustee in the above referenced case and as such am fully and completely familiar with the facts and circumstances involved herein.

2. I submit this Affidavit in opposition to the Notice of Motion for attorney compensation and mortgage lien avoidance.

3. I am thoroughly confused by the motion which does not outline how much money the debtors' counsel is presently seeking. The standard fee for a simple Chapter 13 in this District varies between \$2,000.00 and \$5,000.00.

4. Nothing in this case was complex. Virtually all the additional work that the Trustee spent with the debtor was caused by the debtors' counsel's complete lack of understanding of how Chapter 13 matters work.

5. In addition, the debtor is seeking to make a motion to expunge a secured second mortgage.

6. It is the Trustee's belief that expungement of a mortgage can only be done via an adversary proceeding. The debtors' motion failed to serve a corporate officer of the bank and is therefore improperly served.

WHEREFORE, it is respectfully requested that the motion for additional compensation and mortgage lien avoidance be denied.

s/Michael J. Macco
MICHAEL J. MACCO

Sworn to before me this
27th day of January, 2010.

s/Lynn Smiarowski

Notary Public

Lynn Smiarowski

Notary Public, State of New York

No.01SM4655592

Qualified in Suffolk County

Commission Expires February 28, 2010

STATE OF NEW YORK)
COUNTY OF SUFFOLK)ss:-

Lynn Smiarowski, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age, and resides at Huntington, New York.

On January 27, 2010 deponent served the within:

AFFIDAVIT IN OPPOSITION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

*Office U.S. Trustee
Long Island Federal Courthouse
560 Federal Plaza
Central Islip, NY 11722*

*Frank Xu, Esq.
305 Broadway 7th Floor
New York, NY 10007*

*Lihua & Manuel Arebalo
36 Ellard Avenue
Great Neck, NY 11024*

s/Lynn Smiarowski
Lynn Smiarowski

Sworn to before me this
27th day of January, 2010
s/Jeanette Hodgins
Notary Public
*Jeanette Hodgins
Notary Public, State of New York
No. 01HO6071591
Qualified in Suffolk County
Commission Expires March 18, 2010*

